

REMARKS

I. Status Of Claims

Claims 1-10 are pending.

Claims 1-10 are rejected.

Claims 1-10 have been amended and a new claim 11-14 have been added.

II. Objection to the Specification

The Examiner notes that the specification as originally filed does not follow the guidelines for the preferred layout for the specification according to 37 C.F.R. § 1.77(b).

In response, the specification has been amended to include appropriate section headings.

III. Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 1-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Referring to claim 1, the Examiner states that (a) claim 1 appears to be incomplete because the claim does not recite any "means fed back to control or position the device based on what is observed"; (b) "adapted to" language should be used to avoid claiming a positive connection to the body; and (c) "the patient support" and "the binding means" lack positive antecedent basis.

In response, claim 1 has been amended to now recite:

A remotely controllable system for positioning on a patient
an observation and/or intervention device including:

a frame to which the device is bound with a number of degrees of freedom;
flexible connection means, each of which is arranged for flexibly connecting the frame and a point *adapted to* be attached to *a patient's support* or to the patient himself;
remotely controlled means for modifying the length/tension of *the connection means*; and
means for remotely observing the device behavior, *capable of controlling said remotely controlled means*.

The highlighted texts in the amended claim 1 corrects the defects identified by the Examiner and the applicant believes that amended claim 1 satisfies the requirement of 35 U.S.C. § 112, second paragraph.

Referring to claim 2, the Examiner states that "the flexible binding means" lacks proper antecedent basis and it is unclear what is included in "strap type."

In response, claim 2 has been amended to now recite: "The system of claim 1, ~~characterized in that~~ wherein each of the flexible ~~binding~~ connection means is ~~[[of]]~~ a cable, thread, ~~[[or]]~~ strap type or the like." The amendments correct the defects identified by the Examiner.

The Examiner further objects to claims 1 and 7-8 because claim 1 defines a means for remotely observing the device behavior while claims 7, 8 state that the means enables observation of an echographic image and an endoscopic image.

In response, claims 7 and 8 have been amended. Claim 7 now recites, in part: "said remote observation means *further* enable observation of the echographic image." (Emphasis added). Claim 8 now recites, in part: "the remote observation means *further* enable observation

of the endoscopic image." (Emphasis added). These amendments clarify that the "means for remotely observing" is not limited to observation of the "device behavior" only.

Referring to claim 9, the Examiner states that claim 9 is indefinite because it is unclear what is meant by the recitation of "scanner, MRI, . . . type."

In response, claim 9 has been amended to now recite: "The system of claim 1, wherein the device is a needle holder, and the remote observation means enable observation of an image from X-rays, scanner, MRI, and other similar imaging devices."

Referring to claim 10, the Examiner states that the terms "the link" and "the distant remote-control central station" lack positive antecedent basis.

In response, claim 10 has been amended to now recite: "The system of claim 1, wherein the remotely controlled means for modifying the length/tension of the connection means is controlled by the patient by an audio link."

Referring to claims 7-9, the Examiner states that claims 7-9 are directed to what specific device is controlled by the controllable system and provides no further limitations to the controllable system itself. This rejection is traversed.

As acknowledged by the Examiner, claims 7-9 further define the scope of "an observation and/or intervention device" recited in the parent claim. Thus, claims 7-9 do further limit the parent claim 1. Furthermore, claims 7 and 8, as amended, further limits the definition of the remote observation means. For example, amended claim 7 recites "said remote observation means further enable observation of the echographic image." Amended claim 8 recites: "the remote observation means further enable observation of the endoscopic image."

The amendments to claims 1-10 discussed above are fully supported by the disclosure of the originally filed specification and no new matter has been added. The applicant believes that based on the amendments discussed above, claims 1-10 are now in full compliance with 35 U.S.C. § 112, second paragraph.

IV. Rejection Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-4, 6 and 10 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,489,729 to Sorenson *et al.*

In response the independent claim 1, from which claims 2-4, 6 and 10 depend, has been amended to clearly distinguish the applicant's invention from the device of Sorenson *et al.*

Amended claim 1 now recites in part:

"a frame to which the device is bound with a number of degrees of freedom; flexible connection means, *each of which is arranged for flexibly connecting the frame and a point adapted to be attached to a patient's support or to the patient himself; . . .*" (emphasis added).

As reflected by the highlighted text of the amended claim 1, the flexible connection means in the present invention flexibly connects the frame to the patient's support or the patient himself. The motion of the frame over the patient's body is controlled by controlling the length and/or the tension of the flexible connection and the flexible connections guide the direction of the frame's movement over the patient's body. Furthermore, because of the flexibility of the connections, the present invention provides a compliant structure for the frame and the flexible connection assembly which rests on top of the patient's body. The amend to claim 1 does not add new matter. Support for the amendment can be found at, for example, pages 8 and 9 of the originally filed specification.

In contrast, in the system of Sorenson *et al.*, the frame (16) is attached to two rails (33A) and (33B) and the frame (16) is moved up and down the rails using the flexible cables (48A) and (48B). Although the cables (48A) and (48B) are flexible, they do not guide the direction of the movement of the frame (16). The up and down movement of the frame (16) is fixed by the two rails (33A) and (33B) and the flexible cables (48A) and (48B) merely provides the motive force. Furthermore, because the frame (16) is mounted on the two rails (33A) and (33B) which are rigid structures, the Sorenson system does not form a compliant arrangement that can rest on top of the patient's body. Accordingly, Sorenson *et al.* does not anticipate the amended claim 1.

Based on the above discussion, withdrawal of the rejection of claim 1 and allowance of amended claim 1 and claims depending therefrom are respectfully requested.

V. New Claims

New claims 11-14 have been added to claim different aspects of the present invention. These new claims are fully supported by the originally filed specification and do not add new mater.

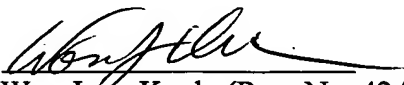
VI. Summary

The Applicant believes that all outstanding issues have been addressed and the pending claims 1-14 are in condition for allowance. Favorable reconsideration of this application is respectfully requested.

A fee in the amount of \$210.00 for two (2) months extension of time for filing this paper is believed due. Please charge the fee and any additional fee that may be due to Duane Morris
Deposit Account No. 50-2061.

Respectfully submitted,

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Enclosures

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